

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WILLIAM & DESIREE COTHREN,)	
husband and wife, and the)	
marital community composed)	Case Number:
thereof,)	
)	
Plaintiffs,)	COMPLAINT
)	
v.)	
)	
FIA CARD SERVICES, N.A., FRED-)	
ERICK J. HANNA & ASSOCIATES,)	
P.C., MIKE ALEXANDER, MIKE)	
CAMPBELL, MRS. MacARTHA, and)	
WILLIAM J. LAU,)	
)	
Defendants.)	

I. INTRODUCTION

1. This is an action for statutory damages brought by individual consumers for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* ("FDCPA") and under Wash. Rev. Code §§ 19.86, *et seq.* (2008), the Washington Consumer Protection Act for unfair or deceptive acts or practices (CPA), when defendants were attempting to collect three defaulted Bank of America credit card debts.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15. U.S.C. §

COMPLAINT - 1/10

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2 1692k(d) and 28 U.S.C. § 1331. The jurisdiction for the CPA
3 claim is based on this Court's supplemental jurisdiction.
4 Venue is based on 28 U.S.C. § 1391(b)(2), for the plaintiffs,
5 William and Desiree Cothren, lived in Skagit County,
6 Washington, when the defendants contacted them at their home
7 in Burlington, Washington, and contacted Mr. Cothren at his
8 employer in Burlington, Washington.

9 **III. PARTIES**

10 3. Plaintiffs, William and Desiree Cothren, are adults,
11 husband and wife, and a marital community under the laws of
12 the State of Washington. At the time of the lawsuit
13 described herein they were residents of Skagit County,
14 Washington, and they continue to reside in Skagit County,
15 Washington. They are consumers as defined in 15 U.S.C. §
16 1692a(3).

17
18 4. At all relevant times, defendant Frederick J. Hanna
19 & Associates, P.C. (Hanna) was a Georgia State profit
20 corporation with its offices in Marietta, Georgia. Defendant
21 Mike Campbell (Campbell) works for Hanna. Defendant Mike
22 Alexander (Alexander) works for Hanna. Defendant Mrs.
23 MaCartha (MaCartha) works for Hanna. Defendant William J.
24 Lau (Lau) works for Hanna. FIA Card Services, N.A. (FIA) is
25 apparently a bank registered in the State of Delaware. On
26 information and belief, Bank of America assigned plaintiffs'
27

28 COMPLAINT - 2/10

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2 three credit card accounts to FIA after the plaintiffs
3 defaulted on them. Each is a debt collector as defined by
4 15 U.S.C. § 1692a(6). They all regularly use the mails and
5 telephone to collect debts alleged to be due another.

6 **IV. FACTUAL ALLEGATIONS**

7 **DEBTS**

8 5. The plaintiffs defaulted on three credit card debts
9 to Bank of America. The name of Bank of America was the only
10 name on the credit card statements. On information and
11 belief, Bank of America assigned these three credit card
12 accounts to FIA after they had defaulted on them. These
13 debts were consumer debts as defined in 15 U.S.C. §
14 1692a(5).
15

16 **FIRST LETTER**

17 6. During early April, 2008, plaintiffs received a
18 letter from defendant, Hanna, dated April 3, 2008, which was
19 mailed on April 4, 2008. The letter stated that Hanna was
20 collecting a debt for FIA. This letter was the first time
21 they had ever heard of FIA. They had never heard of FIA
22 before or had any contacts with it. They received the letter
23 on or about April 7, 2008.

24 **ILLEGAL THIRD PARTY COMMUNICATIONS**

25 7. Several days after they received the letter, April 9
26 or 10, 2008, they started to received telephone messages from
27

28 COMPLAINT - 3/10

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2 Hanna. They did not answer the telephone messages. Hanna
3 then on or about April 16, and 17, 2008, made several
4 telephone calls to Mr. Cothren's sister and mother. On April
5 18, 2008, Mrs. Brown of Hanna called Kristina Johnson, Mr.
6 Cothren's work supervisor, and asked to talk to Mr. Cothren.
7 She refused to bring him to the telephone. Mrs. Brown told
8 her that Mr. Cothren had a summons to answer to. These
9 telephone calls violated 15 U.S.C. §§ 1692c(b) and 1692f for
10 Hanna knew Mr. Cothren's location information. In addition,
11 the use of the word summons in the telephone call to Mr.
12 Cothren's supervisor, Kristina Johnson, was a false,
13 deceptive and misleading representation about the debts and
14 violated 15 U.S.C. §§ 1692e, 1692e(2)(A) (Legal Status of
15 debt), and 1692e(10) (Use of false representation or
16 deceptive means to collect any debt), for Hanna had filed no
17 lawsuit.
18

19 TELEPHONE CALLS TO MR. COTHREN

20 8. The embarrassing and illegal telephone calls and
21 statements to Mr. Cothren's sister and his employer had the
22 desired effect. Mr. Cothren took a telephone call from
23 Campbell on or about April 18, 2008. The telephone call
24 lasted some time. Campbell urged Mr. Cothren to borrow the
25 money to pay the debts. He did not borrow the money.

26 9. Mr. Cothren then took a considerably longer telephone
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28 COMPLAINT - 4/10

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2 call on April 28, 2008, from MaCartha. During the telephone
3 call, she belittled, berated and vilified him. He told her
4 not to call him at work.

5 PLAINTIFF HIRES ATTORNEY

6 10. Mr. Cothren then consulted an attorney, James
7 Sturdevant (Sturdevant), on April 29, 2008. He also received
8 two other telephone messages from MaCartha on April 29, and
9 April 30, 2008.

10 11. On May 2, 2008, Sturdevant wrote Hanna a letter
11 (Letter). Hanna received the letter on May 5, 2008. A true
12 and correct copy of the letter is attached marked Exhibit A.

13 FURTHER TELEPHONE CALLS AND LETTERS TO PLAINTIFFS

14 12. In spite of its receipt of the letter on May 5,
15 2008, Alexander called Mr. Cothren on the same day. The
16 telephone call was not too long. Mr. Cothren entered an
17 agreement to pay off the three credit card debts. This
18 telephone call after defendant had received the letter
19 violated 15 U.S.C. § 1692c(a)(2) for it had received notice
20 that plaintiffs were represented by an attorney. It violated
21 15 U.S.C. § 1692g(b) for it was collection activity when
22 defendants had never verified the debt although plaintiff had
23 requested verification. It also violated 15 U.S.C. § 1692f.
24

25 13. Hanna, in spite of the letter, called Mr. Cothren
26 again on May 5, 2008, and May 6, 2008, and left no messages.
27

28 COMPLAINT - 5/10

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2 On May 6, 2008, MaCartha and Alexander called him and left
3 messages. On May 7, 2008, Hanna called twice and left no
4 messages. These telephone calls after defendant had received
5 the letter violated 15 U.S.C. § 1692c(a)(2) for it had
6 received notice that plaintiffs were represented by an
7 attorney. These telephone calls violated 15 U.S.C. §
8 1692g(b) for they were collection activity when defendants
9 had never verified the debt, although plaintiff had requested
10 verification. They also violated 15 U.S.C. § 1692f.

11
12 TELEPHONE CALLS AT WORK

13 14. On May 7, 2008, MaCartha called Mr. Cothren at
14 work. He told her again she was not to call him at work.
15 Alexander then called him at work on the same day. Mr.
16 Cothren again told him not to call him at work. These
17 telephone calls after defendant had received the letter
18 violated 15 U.S.C. § 1692c(a)(2) for it had received notice
19 that plaintiffs were represented by an attorney. They
20 violated 15 U.S.C. § 1692g(b) for they were collection
21 activity when defendants had never verified the debt,
22 although plaintiff had requested verification. They also
23 violated 15 U.S.C. § 1692f. These telephone calls after
24 defendant had requested plaintiff not to call him at work
25 violated 15 U.S.C. § 1692c(a)(3) for it had received notice
26 that plaintiffs were represented by an attorney. It also
27

28 COMPLAINT - 6/10

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1
2 violated 15 U.S.C. § 1692f.

3 15. Campbell called Mr. Cothren on May 8, 2008. He
4 received two additional telephone calls from Hanna on May 9 &
5 May 10, 2008, which left no messages. These telephone calls
6 after defendant had received the letter violated 15 U.S.C. §
7 1692c(a)(2) for it had received notice that plaintiffs were
8 represented by an attorney. These telephone calls violated
9 15 U.S.C. § 1692g(b) for they were collection activity when
10 defendants had never verified the debt, although plaintiff
11 had requested verification. They also violated 15 U.S.C. §
12 1692f.

13
14 FURTHER LETTERS FROM HANNA

15 16. Plaintiffs received four more letters from Hanna.
16 Three were dated May 5, 2008, but were post marked May 9,
17 2008 and the fourth was dated June 4, 2008, and post marked
18 June 11, 2008. They were signed by defendant, Lau. These
19 letters after defendant had received the letter violated 15
20 U.S.C. § 1692c(a)(2) for it had received notice that
21 plaintiffs were represented by an attorney. It violated 15
22 U.S.C. § 1692g(b) for it was collection activity when
23 defendants had never verified the debt, although plaintiff
24 had requested verification. It also violated 15 U.S.C. §
25 1692f.

26 SUMMARY

27
28 COMPLAINT - 7/10

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2 17. Plaintiffs have suffered actual damages as a result
3 of all of these Defendants' illegal collection communications
4 in the form of embarrassment, relationship stress, anger,
5 anxiety, emotional distress, fear, humiliation, and
6 frustration among other negative emotions, as well as
7 suffering from unjustified and abusive invasion of personal
8 privacy at plaintiff's place of work.

9 18. These invasions occurred even after the Cothrens,
10 through their attorney, had asked for the verification of the
11 debts.

12 19. Defendants' violations of the FDCPA also violated
13 Wash. Rev. Code 19.86.010 and .020. They thus under Wash.
14 Rev. Code § 19.86.090 (2008) are entitled to judgment for
15 their actual damages, treble damages, costs and attorney's
16 fees under Wash. Rev. Code § 19.86.090 (2008) against
17 defendants.
18

19 V. CAUSES OF ACTION

20 Fair Debt Collection Practices Act 15 U.S.C. § 1692

21 20. Plaintiffs reallege all preceding paragraphs of the
22 complaint and incorporate them herein by this reference.

23 21. The foregoing acts and omissions of each and every
24 Defendant on or after May 5, 2008, constitute numerous and
25 multiple violations of the FDCPA including, but not limited
26 to, each and every one of the above-cited provision of the
27

28 COMPLAINT - 8/10

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2 FDCPA, 15 U.S.C. § 1692 et seq.

3 22. As a result of each and every Defendants' violation
4 of the FDCPA, Plaintiffs are therefore entitled to actual
5 damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory
6 damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. §
7 1692k(a)(2)(A); and reasonable attorney's fees and costs
8 pursuant to 15 U.S.C. § 1692k(a)(3) from each and every
9 defendant herein.

10 Washington Consumer Protection Act - RCW 19.86

11 23. All of the violations of the FDCPA are also
12 violations of the Washington Consumer Protection Act RCW
13 19.86.010 & .020 and they are entitled to judgment for their
14 actual damages, treble damages, costs and attorney's fees
15 under Wash. Rev. Code § 19.86.090 (2008) against defendants.
16

17
18 **VI. PRAYER FOR RELIEF**

19 WHEREFORE, plaintiffs pray this Court that judgment be
20 entered against each and every defendant as follows:

21 A. Statutory damages of \$1,000.00 pursuant to 15 U.S.C.
22 § 1692k(a)(2)(A) against each and every defendant on behalf
23 of both plaintiffs.

24 B. Actual damages under 15 U.S.C. § 1692k(a)(1) against
25 each and every defendant.

26 C. For an award of costs of litigation and reasonable
27

28 COMPLAINT - 9/10

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2 attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against
3 each and every defendant.

4 D. Under Wash. Rev. Code § 19.86.090 (2008), actual
5 damages, treble damages, costs and attorney's fees defendants.

6 **VII. JURY DEMAND**

7 Plaintiffs hereby demand that this cause be tried by a
8 jury.

9
10 Dated this 5th day of May, 2009.

11
12 
13 /s/ James Sturdevant
14 James Sturdevant #8016
15 Attorney for Plaintiffs
16 119 N. Commercial St. #310
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AREA CODE 360

CERTIFIED MAIL RETURN RECEIPT REQUESTED AND REGULAR 1ST CLASS
MAIL

May 2, 2008

Frederick J. Hanna & Associates, P.C.
1427 Roswell Road
Marietta, GA 30062

Re: My Client: William A. Cothren
Creditor: FIA Card Services, N.A.
Account No. 488893613820357
Balance Due: \$2,868.32
File No.: 08107181

Dear Sir:

Mr. Cothren has asked me to assist him with the debt above.
If you want to contact me, write me. I will not accept
telephone calls from you.

Mr. Cothren disputes the debt and asks you to verify it.

You must CEASE and DESIST all your efforts to collect on the
above referenced account and debt.

You are hereby instructed to cease collection efforts
immediately in any way, shape or form. This request includes
phone calls, letters, faxes, third party contacts, internet,
calling Mr. Cothren's place of employment, and contacting his
friends, neighbors or family members.

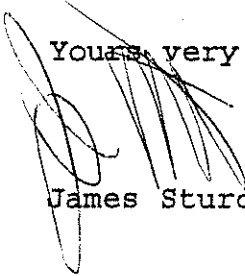
Do NOT call him, write him, contact his relatives, friends or
work place in any way after you receive this letter.

GIVE THIS LETTER THE IMMEDIATE ATTENTION IT DESERVES.

Exhibit "A"

080502LetHanna;
Cothren; Page 2/2:

With best regards,

Yours very truly,

James Sturdevant

cc: William Cothren
JS:ah